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January 29, 2018

Via ECF
Hon. Nicholas G. Garaufis
United States District Court
225 Cadman Plaza East
Brooklyn, NY 11201

RE: *Century Surety Company v. Mission Design, et. al.*
Civil Action No.: 1:16-02075-NGG-SMG

Dear Judge Garaufis:

Our office serves as counsel for Plaintiff, Century Surety Company, in the above-matter. Per the Court's Text Order of January 10, 2018, it granted Plaintiff's application for a Pre-Motion Conference. Plaintiff was then directed to confer with all counsel and ultimately schedule the conference.

In conjunction with the discussions concerning scheduling, the merits of Plaintiff's position were revisited. Ultimately, counsel for the Defendants each advised that upon consulting with their clients, they did not intend to oppose our proposed motion. To the credit of Messers. Dietchweiler, Bordetsky and Slattery, they each let us know of their intent before we troubled the Court with conducting a pre-motion conference, and before our office took on the task of drafting the motion papers. We appreciate their professional courtesy.

Accordingly, we seek the court's advice as to the appropriate manner of wrapping up this case. We would propose submitting a Stipulated Order for the Court's review in which the relief sought in our Complaint would be granted, and it be ordered that Plaintiff has no obligation to defend or indemnify any of the Defendants relative to the underlying action brought by Juan Maurisaca. Please advise if this would be acceptable.

Thank you for your consideration.

Respectfully submitted,

HURWITZ & FINE, P.C.

/s/ Dan D. Kohane

Dan D. Kohane

cc Kevin Slattery, Esq.
Barry M. Bordetsky, Esq.
Daniel O. Dietchweiler, Esq.